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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,552	07/17/2003	Bobby Hu	2186-00400 DVF	1339
23505	7590	09/03/2004	EXAMINER	
CONLEY ROSE, P.C.			MEISLIN, DEBRA S	
P. O. BOX 3267				
HOUSTON, TX 77253-3267			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 09/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,552

Applicant(s)

HU, BOBBY

Examiner

Debra S Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/219,135.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/31/03; 2/18/04; 2/20/04; 6/22/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following Prior Art citations are not shown in the IFW file for Serial No. 10/219,135. As listed on the IDS filed 31 October 2003, under "OTHER ART":

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AI*	First Office Action on Patent Application No. 00103289.5 in People's Republic of China and Translation; (4 p.)
	AJ*	Office Action by Taiwan Intellectual Property Office on Opposition to Patent Application No. 089200570 in Taiwan and Translation; and Translations of Taiwanese Patent Publication No. 212343, of Taiwanese Patent Publication No. 310649, and of Taiwanese Patent Publication No. 130638; (11 p.)
	AK*	Decision by the Board of Appeal and Translation of same; (13 p.)
	AL*	Taiwan Intellectual Property Office's Answer to Appeal Brief and Translation of same (3 p.)

It is requested that applicant submit the above citations for review by the examiner.

The following Foreign Patent Document citations do not include a date. As listed on the IDS filed 31 October 2003, under "FOREIGN PATENT DOCUMENTS": The dates of the follow citations must be provided:

AF	130638		China (with translation)
AG	212343		China (with translation)
AH	310649		China (with translation)

2. Claims 1-7, 20-21, 23-26, 30, 40-41, 45 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 13, claim 23, lines 13-14, and claim 51, "pivoting about the rotational axis of the gear wheel" is not understood and appears to be misdescriptive since the pawl does not rotate about the gear wheel axis. The pawl appears to be a sliding pawl that slides relative to the gear wheel.

In claim 20, the "third compartment" is not understood in view of the specification and drawings.

In claim 21, "rotating about the gear wheel" is not understood and appears to be misdescriptive since the pawl does not rotate about the gear wheel. The pawl appears to be a sliding pawl that slides relative to the gear wheel.

In claim 30, "rotating about the central axis" is not understood and appears to be misdescriptive since the pawl does not rotate about the central axis. The pawl appears to be a sliding pawl that slides relative to the gear wheel.

In claim 40, "first wall portion", "second wall portion", and "the hole" lack antecedent basis.

In claim 41, "first and second wall portions" and "the hole" lack antecedent basis.

In claim 45, "pivot about the outer periphery of the gear wheel" is not understood and appears to be misdescriptive since the pawl does not pivot about the gear wheel. The pawl appears to be a sliding pawl that slides relative to the gear wheel.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27-29, 31, 39, 43-49 and 59-61 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Knoll (3866492).

See figure 4.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-11, 14-16, 18-25, 30, 32-38, 40-42, 50-56, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoll (3866492) in view of Ling et al (6230591).

Knoll discloses all of the claimed subject matter except for having a pawl which "pivots" about the gear wheel axis, a pawl that abuts against the first or second wall portions, the pawl teeth forming a substantially concave surface, a pawl which is movable along the outer periphery of the gear wheel, the pawl teeth are continuous, the head and handle being formed of a single piece, a top surface with a hole and a third compartment, substantially semi-circular or arcuate top and bottom portions, and the head having a hole in the top surface communicating with the first space.

Ling et al discloses a pawl which "pivots" about the gear wheel axis, a pawl that abuts against the first or second wall portions (see figures 3 and 11), the pawl teeth forming a substantially concave surface, a pawl which is movable/slidable along the outer periphery of the gear wheel, the pawl teeth are continuous, the head and handle being formed of a single piece, a top surface with a hole and a third compartment (see figures 12-14), substantially semi-circular or arcuate top and bottom portions (see figure 14), and the head having a hole in the top surface communicating with the first space (see figures 12-14).

It would have been obvious to one having ordinary skill in the art to form the device of Knoll such that the pawl "pivots" about the gear wheel axis or is movable/slidable along the outer periphery of the gear wheel to provide a ratcheting

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action as taught by Ling et al. Note that the examiner takes Official Notice that the use of sliding/pivoting pawls as opposed to strictly pivoting pawls is notoriously old and well known in the art. The use of a sliding pawl is an obvious mechanical equivalent to the use of a pivoting pawl.

It would have been obvious to one having ordinary skill in the art to form the device of Knoll such that the pawl abuts against the first or second wall portions to allow for the rotation of the workpiece as taught by Ling et al.

It would have been obvious to one having ordinary skill in the art to form the device of Knoll such that the pawl teeth form a substantially concave surface and are continuous to enable engagement of the ratchet wheel and such would have been an obvious variation in shape as taught by Ling et al.

In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) states "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice."; but see Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Consequently, it would have been obvious to one having ordinary skill in the art to form the device of Knoll with a single piece head and handle as such would have been merely a matter of obvious engineering choice as taught by Ling et al.

It would have been obvious to one having ordinary skill in the art to form the device of Knoll with a top surface with a hole and a third compartment or the head having a hole in the top surface communicating with the first space to allow for the connection between the elements of the device as taught by Ling et al.

See figures 12-14.

It would have been obvious to one having ordinary skill in the art to form the device of Knoll with a substantially semi-circular or arcuate top and bottom portions to allow for the rotation of the workpiece and to allow for a ratcheting action as taught by Ling et al. See figure 14.

7. Claims 6, 12-13, 17, 26, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoll (3866492) in view of Ling et al (6230591) as applied above, in further view of Colvin (4903554).

Colvin discloses a drive column for release or engagement of a socket. It would have been obvious to one having ordinary skill in the art to form the device of Knoll with a drive column to allow for the release or engagement of a socket as taught by Colvin.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 703 308-3671. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin

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Primary Examiner
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August 31, 2004